THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26685 of 2005

14.12.2005

Between:

A.Balamukunda, S/o.Late Balaiah, H.No.9-4-116/35,

Balreddy Nagar, Towli Chowki, Hyderabad.

… Petitioner

AND

Hyderabad Metropolitan Water Supply & Sewerage Board,
Khairatabad, Hyderabad rep by its Managing Director

And others

… Respondents

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WRIT PETITION No.26685 of 2005

ORDER:

The petitioner inherited the property admeasuring 552 Sq. meters and 164 Sq. meters in T.S.Nos.35/2 and 36/2 respectively in Ward No.13, Block-A of Balreddy Nagar, Shaikpet Village/Towli Chowki Locality, Shaikpet Mandal, Hyderabad. He alleges that the first respondent, Hyderabad Metropolitan Water Supply & Sewerage Board, is digging up trenches for laying pipeline for Krishna water and for laying road through the petitioner's land without initiating any proceedings under Land Acquisition Act, 1894 (LA Act). The petitioner also alleges that the respondents did not even issue any notice and did not take any steps in accordance with law before digging up trenches in the petitioner's land.

The action of the respondents, as alleged, if it is true, would be *per se* illegal as no person can be deprived of his/her property except in accordance with law. However, the learned Standing Counsel for the first respondent Board, Ms.M.Venkateswari, after obtaining instructions from her clients, submits that the writ petition is filed on mere apprehension and that as on today the Board has not even sanctioned the permission for laying pipeline in Balreddy Nagar. She, however, does not dispute or deny the legal position that if there is going to be any damage to the petitioner's property appropriate action has to be taken in accordance with the provisions of Hyderabad Metropolitan Water Supply and Sewerage Act, 1989 (the Act, for brevity) or LA Act, as the case may be. The submission of learned Standing Counsel that under Section 29 of the Act, it is permissible for the Board to lay a pipeline in private property with or without consent is recorded.

The writ petition is, accordingly, disposed of. No costs.

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(**V.V.S. RAO,J**)

December 14, 2005

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